

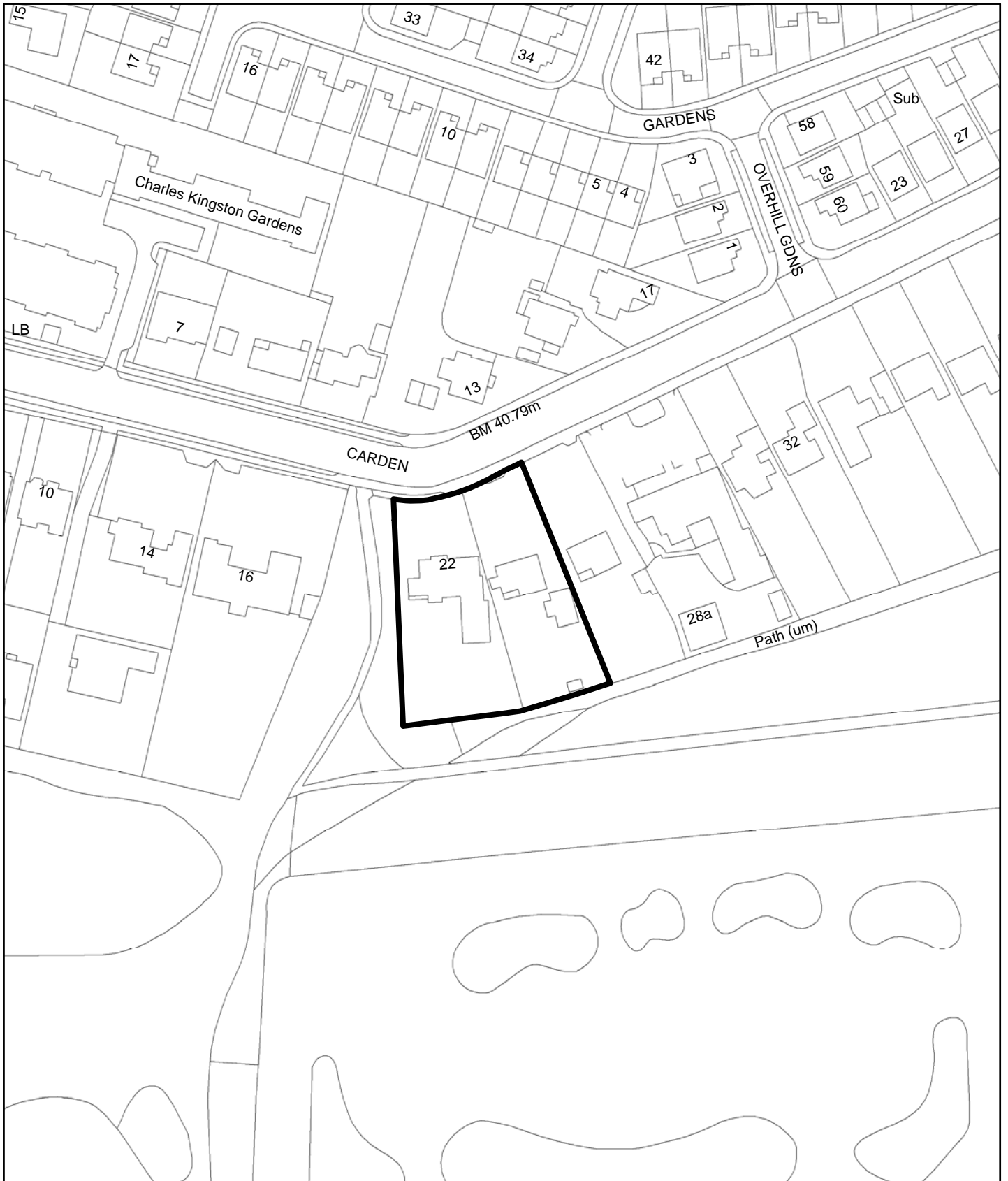
ITEM K

22 & 24 Carden Avenue, Brighton

BH2013/04299
Full planning

02 APRIL 2014

BH2013/04299 22 & 24 Carden Avenue, Brighton



Scale: 1:1,250

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<u>No:</u>	BH2013/04299	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 & 24 Carden Avenue Brighton		
<u>Proposal:</u>	Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	23 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David Sayer and Associates, The Manor Farm, 124 Manor Road North, Thames Ditton, Surrey KT7 0BH		
<u>Applicant:</u>	Mr Alan Young & CMG Ltd (Blocklin House Ltd), 24 Carden Avenue Brighton BN1 8NA		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site at present consists of two plots. No. 22 Carden Avenue is a plot containing a building which has the appearance and character of a residential bungalow, but is in fact a recreational day centre for up to 12 persons with learning disabilities. No. 24 Carden Avenue is a detached chalet style bungalow (in residential use). Both properties have large rear garden areas which slope upwards steeply towards the rear of the site with some terraced level areas.
- 2.2 The section of Carden Avenue in the vicinity of the application site is primarily characterised by detached buildings set back from the highway with driveways and gardens between. Many of the properties are single dwellings, there are also properties subdivided into flats, residential care homes and a nursery in situ. To the east and north of the vicinity of the application site there are developments consisting of terraced dwellings. The character of the surrounding area is therefore mixed, the area in the immediate vicinity of the application site is primarily characterised by detached buildings set in relatively large plots, with the built forms set back from the highway.
- 2.3 To the south of the site there is an area of woodland which has public access including a footway which runs alongside the western side of the application site.

3 RELEVANT HISTORY

BH2013/01073 - Demolition of existing day care centre and chalet bungalow and erection of 5no four bedroom detached houses. Refused 05/08/2013.

BH1997/01422/FP22 (22 Carden Avenue) - Change of use of existing building to Day Care Centre for adults with severe physical and learning disabilities. Approved 29/01/1998.

BH2010/02709 (287 Dyke Road Hove) - Erection of single storey detached building to West. Approved 03/11/2010.

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing buildings and the erection of five dwelling houses. These comprise of two pairs of semi-detached dwellings with a detached property located in between. The dwellings would be set back from the highway with a communal parking area and areas of planting set in between. A planted area is proposed in front of each dwelling and a rear garden area is proposed for each dwelling. The rear garden areas consist of a small patio area and a grassed main garden area sloping upwards towards the rear boundary of the site.

4.2 The dwellings proposed have vertical proportions, being three storey in height. The dwellings have a modern design and the third floor is recessed and has a flat roof. Each dwelling is of considerable depth. To the front of each dwelling at third floor level are terraces.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Nine (9)** letters of representation have been received from **13, 15, 23, 26 (x3), 32 and 40 (x2) Carden Avenue**, objecting to the application for the following reasons:

- Design and scale is out of keeping with the character of the area.
- Loss of light and privacy.
- Lack of off street car parking.
- Problems with drainage.
- No proper construction management plan proposed and construction traffic would be a serious hazard.
- Increase in residents will stretch existing infrastructure.
- Over development of the site.

5.2 **Environment Agency:** No comment

Internal:

5.3 **Arboriculture:** Support

No trees will be lost to facilitate the development and all trees can be accommodated during the course of the development. The Arboricultural Section has no objection to the proposals in this application subject to a suitable condition being attached to any consent granted.

5.4 **Access:** Comment

A 300mm clear space at the leading edge of the utility room door in the semi detached properties is obstructed by the units. However, this is not considered to be a concern in properties of this size because the door could be replaced with a sliding one if the need arose.

5.5 Adult Social Care: Support

The Council's Adult Care & Health department would not oppose the transfer of CMG's day service from Carden Avenue to Dyke Road as it meets with the vision for day activities in the city in that it provides facilities in the local area for people with learning disabilities and complex physical health care needs. Whilst the alternative site is smaller than the current building at Carden Avenue they will be using the property as a base for some activities and will be providing other activities in the community or in residents' homes.

5.6 Sustainability: Comment

Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.

5.7 Under supplementary planning document SPD08 new built medium scale residential development on previously developed land is expected to meet Code for Sustainable Homes level 3, and on greenfield land is expected to achieve Code level 5. The site is a mixed green and brownfield site.

5.8 The applicant proposes to deliver the scheme to Code Level 4, providing design consistency across the houses while achieving a compromise between Code level 5 and 3. This is considered an acceptable approach.

5.9 Positive aspects of the scheme include: a target of Code level 4; Lifetime Homes standards; use of renewables (roof mounted solar water heating); use of gas CHP; good fabric performance; intention to carry out a feasibility study for rainwater harvesting and/or greywater recycling; onsite composting is proposed; and a site waste management plan will be developed.

5.10 Areas of policy that have been less well addressed include: passive design measures not incorporated into design; no green walls or roofs and only 3 trees proposed; no food growing; no biodiversity enhancements are proposed.

5.11 A 'Renewable Energy Statement' has been submitted which sets out the chosen energy strategy as gas micro CHP and solar hot water. The Statement suggests that ground source heat pump or air source heat pump technologies may be explored although these technologies may not be well matched to the use of solar water heating and gas micro CHP already proposed, as they would compete for heat demand. It is disappointing that PV was discounted in the document which states that 'Photovoltaics are a very expensive technology and often do not provide sufficient benefit to make them viable'. Introduction of the Feed In Tariff, and reduction in prices of PV by up to 50% in the last 6 years makes this statement out of date.

- 5.12 Ultimately however, it is the applicant who can decide what energy approach to take provided the scheme overall meets local policy. The scheme is proposing to include renewable in the scheme as expected by Local Plan Policy SU2 and therefore this aspect of policy has been addressed.
- 5.13 The route to achieving Code level 4 has not been robustly developed, no Code pre-assessment has been undertaken, and it has not been demonstrated that a high level 4 would be achieved. However, it would appear that the houses are capable of achieving Code level 4. It will be important that the Design stage certificate is submitted prior to commencement to ensure the applicant and contractors are fully aware of what must be undertaken to achieve Code level 4.
- 5.14 Approval is recommended with suggested conditions:
- Code Level 4 Design stage certificate pre commencement
 - Code level 4 Final certificate prior to occupation
 - Lifetime Homes
 - Rainwater recycling/ greywater recycling feasibility study (SPD08/SU2 policy)
- 5.15 **Sustainable Transport:** Support
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted. The Highway Authority's comments are similar to a recent similar application on the site (BH2013/01073).

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 This application follows on from application BH2013/01073, which was refused for the following reasons:

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- 8.2 *Policy HO20 seeks to retain community facilities and only allows the loss of such facilities if a number of criteria are met. The applicant has failed to demonstrate that the proposed replacement community facility at no. 287 Dyke Road Hove would provide a facility for the existing users which are equal to or better than the existing facilities, and fails to demonstrate that the replacement facility would be utilised as part of an overall strategy supported by the Adult Social Care and Health Team. Based upon the information submitted it has not been demonstrated that the proposed development would be compliant with policy HO20 of the Brighton & Hove Local Plan.*
- 8.3 *The proposed development would be of a density out of keeping with the typical character of detached dwellings in the immediate area surrounding the application site. The proposed dwelling designs (tall narrow buildings), with limited spacing between the dwellings, are not of a type common in the surrounding street scene and area, and would appear as incongruous features in the street scene. The proposed development is therefore contrary to policies QD1, QD2 and HO4 of the Brighton & Hove Local Plan.*
- 8.4 *The proposed eastern-most dwelling would have an overbearing and enclosing impact upon present and future occupiers of the neighbouring dwelling sited to the east of the application site, no. 26 Carden Avenue. The proposed development would also cause increased overshadowing of this neighbouring property. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*
- 8.5 The main considerations in the determination of this application relate to whether this revised proposal overcomes the previous reasons for refusal and include the principle of the proposed redevelopment of the site, the visual impact of the proposed development, the standard of accommodation which would be provided, neighbouring amenity, transport, sustainability, trees, landscaping and nature conservation.

Principle of development:

- 8.6 The proposed development would result in the loss of the day centre and a detached dwelling, to be replaced by two pairs of semi-detached dwellings and one detached property. The loss of the day centre must be considered having regard to policy HO20 of the Brighton & Hove Local Plan which states that:
- 8.7 Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities. There are a number of exceptions to the policy that may apply when:
- a) the community use is incorporated, or replaced within a new development; or
 - b) the community use is relocated to a location which improves its accessibility to its users; or
 - c) existing nearby facilities are to be improved to accommodate the loss; or
 - d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

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- 8.8 Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.
- 8.9 The supporting text attached to policy HO20 states that where a site is to be redeveloped and the community use is to be incorporated / replaced within a new development or accommodated elsewhere, the council will seek to ensure that the 'new' facilities remain available to the existing users on similar terms and that they are equal to, or better than, the existing facilities.
- 8.10 In this case, the supporting documentation accompanying the application states that a replacement day centre facility is to be constructed at no. 287 Dyke Road, Hove (approved under application ref. BH2013/03457). It is proposed that this new building, which is due to be completed in April 2014, would serve the purpose no. 22 Carden Avenue does at present, i.e. a day centre for up to 12 persons who reside at various locations (primarily facilities run by the applicants).
- 8.11 The existing centre at no. 22 Carden Avenue has a footprint of approximately 230m². The building has additional accommodation at roof level.
- 8.12 The proposed building at no. 287 Dyke Road would have an internal floorspace of approximately 132m² and includes a hall area, kitchen, washdown room/wc and a sensory room. The replacement facility would therefore be of a reduced size in comparison to existing. However, the supporting documentation accompanying the current application advises that this new facility would have the following benefits:
- It is single storey, level and is fully accessible.
 - Main function area is 84m² which is 25% larger than at Carden Avenue.
 - The sensory room is the same size as at Carden Avenue.
 - Has a kitchen facility.
 - Hoists have been incorporated within the design.
 - A toilet is provided for wheelchair users which includes a wet room which Carden Avenue does not have.
 - Has an accessible and level garden.
 - Is in close proximity to the existing residential care homes so transportation cost would be less.
 - No restriction on the opening hours.
 - The running costs will be cheaper due to the efficiency of the new building.
- 8.13 The City Council's Adult Social Care Team have commented on the application and confirmed the rationale for relocating the facilities to Dyke Road is acceptable and would be beneficial to users of the existing facilities.
- 8.14 It is stated that the sale of the Carden Avenue site will fund upgrading and refurbishment of care homes in the ownership of the applicant, and that the new day centre will better serve the applicant's existing care homes in the vicinity of the Dyke Road site. Furthermore it is stated that the Dyke Road site has a

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swimming pool which represents an additional facility, which users of the new centre would benefit from.

- 8.15 It is stated that it would not be possible to close the Carden Avenue centre until the new building is constructed and operational, as the users of the existing centre would need to transfer to the new centre before any works commence. The application has included a signed Unilateral Undertaking agreeing that no works would commence until the new facility at Dyke Road was operational.
- 8.16 It is considered that the details provided represent an exception circumstance as set out in (a) and (b) of policy HO20. It is proposed that the facility be relocated to location which it appears will be more accessible for some users (users are brought to the current facility by mini bus). The proposed replacement facility does however raise some concerns, as whilst it would be an accessible new building built to modern standards with the special requirements of the end users in mind, it would be significantly smaller than the existing facility and with only one main room all users would be required to share this space whenever they are within the building.
- 8.17 However, the Adult Social Care and Health Team have commented upon the application and state that they would not oppose the transfer of CMG's day service from Carden Avenue to Dyke Road as it meets with the vision for day activities in the city. It would provide facilities in the local area for people with learning disabilities and complex physical health care needs. Whilst the alternative site is smaller than the current building at Carden Avenue, they will be using the property as a base for some activities and will be providing other activities in the community or in residents' homes. This flexibility in care provision is supported by the Adult Social Care Team.
- 8.18 Whilst the re-provision of the existing facilities at 122 Carden Avenue would result in the loss of floor space overall, given the flexibility of care to be offered, together with the improved quality of the facilities, it is considered that the applicant has demonstrated compliance with policy HO20.
- 8.19 In regard to the principle of the proposed residential use of the site, the application proposes an additional 4 residential units. At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

The proposed development / visual Impact

- 8.20 The proposed development of five dwellings, having regard to plot and dwelling size, density and dwelling type shall be considered having regard to policies HO3 and HO4 of the Brighton & Hove Local Plan, the emerging City Plan and the NPPF.
- 8.21 In regard to plot size and density, the proposed development would have a total site size of 2225m² and an average plot size of 445m² (including a proportion of the communal area to the front curtilage of the dwellings) which represents a density figure of 22.5 DPH. For comparison, comparable detached dwellings in the vicinity of application site are as follows:
- Southern side of Carden Avenue:
- No.10 Carden Avenue: 537 m², 18.6 DPH
 - No. 10A Carden Avenue: 673 m², 14.9 DPH
 - No. 12 Carden Avenue: 1144 m², 8.7 DPH
 - No. 24 Carden Avenue as existing: 1011m², 9.9 DPH
 - No 26 Carden Avenue: 980m², 10.2 DPH
 - No. 30 Carden Avenue: 801m², 12.5 DPH
 - No. 32 Carden Avenue: 858m², 11.7 DPH
 - No. 34 Carden Avenue: 1270m², 7.9 DPH
- Northern side of Carden Avenue:
- No. 7 Carden Avenue: 411m², 24.3 DPH
 - No. 9 Carden Avenue: 688m², 14.5 DPH
 - No. 11 Carden Avenue: 1024m², 9.8 DPH
 - No. 13 Carden Avenue: 1034m², 9.7 DPH
 - No. 15 Carden Avenue: 889m², 11.2 DPH
 - No. 17 Carden Avenue: 482m², 20.7 DPH
- 8.22 The proposed development would have an average plot size approximately half that of the average of the sample properties and an average density approximately double that of the average of the sample properties.
- 8.23 The design and access statement included within the application states that taking into account all the residential properties in the immediate area, the DPH is 27. The properties in Overhill Gardens, which are predominantly semi-detached, are in excess of 40 DPH.
- 8.24 The previous reason for refusal attached to application BH2013/01073 stated that the proposal for five detached dwellings would be out of keeping with the typical character of detached dwellings in the immediate area given the plot sizes afforded to each unit. The current scheme incorporates two-pairs of semi-detached dwellings and a single detached dwelling.
- 8.25 The current scheme, whilst maintaining the same level of development as the previous scheme, is considered to be a more suitable form of development. The introduction of two pairs of semi detached properties and a detached property in the position and site coverage proposed would not contravene the

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spacing between the buildings, which characterises the surrounding area in the same way the previous scheme would have. The siting of five detached dwellings in the previous scheme would have appeared at odds to the pattern of neighbouring development given the site coverage and spacing between each plot. The two semi-detached properties are similar to the width of the existing buildings on the site. Whilst the single detached unit appears somewhat cramped sited between the two pairs of semi detached properties, given the set back introduced to this unit compared to the two pairs of semi detached properties and the sites location on a corner, this would not readily be seen as a dominant addition to the street scene and reasonable spacing is maintained. Whilst concerns were raised in respect of the quantum of development in the previous scheme, the amendments to the scheme, incorporating two pairs of semi detached properties and the detached dwelling is considered acceptable and overcomes the previous reason for refusal in this regard.

- 8.26 It is also important to note, that since the Local Planning Authority is unable to demonstrate a five year housing supply against the city's, full objectively assessed need (OAN) for housing up to 2030, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 8.27 The layout of this scheme with its two pairs of semi-detached properties, together with the fact that the eastern most dwelling has been sited further inside the site and the setback from the highway has changed the character of the proposal has addressed the previous reasons for refusal and is considered acceptable
- 8.28 Overall, while the density is slightly higher than that of immediate detached dwellings, it is considered that it is not out of keeping or detrimental to the wider character of the area as a whole. The redesigned layout and greater sense of space within this proposal would also help integrate the development within the street scene. In addition, the benefit of the creation of 4 additional residential units significantly and demonstrably outweighs the slight increase in density and the small change of character this would bring.
- 8.29 In regard to dwelling type and size (policy HO3), the proposed development does not include a mix of dwelling types and sizes. This is not however considered to represent a significant concern as only five dwellings are proposed; a larger development scheme would be expected to deliver a more varied mix of dwelling type and size.
- 8.30 In regard to visual impact the policies of the NPPF seek to secure a high standard of design, which also prevails throughout the policies of the Brighton & Hove Local Plan. As detailed above, the proposed development consists of two pairs of semi-detached dwellings and one detached dwelling. The design of the buildings has been substantially amended from the previous refused application for five detached dwellings.

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- 8.31 The dwellings within the previously refused application had a tall appearance as glazing was proposed to the front of the roofs of the dwelling giving them an appearance akin to a three storey dwelling. Unusual triangular shaped dormers were proposed, and the dwellings to each end of the five had an unusual part-hipped, part-gabled front roof form.
- 8.32 This application has altered the layout, and while the immediate buildings tend to be detached properties, there are examples of semi-detached dwellings further along Carden Avenue and is characteristic of Overhill Gardens and Graham Avenue. The design of the properties has also changed and this proposal shows a more contemporary design than the previous refused faux-traditional style. It is considered that this setting is not so sensitive that a modern design, if well conceived and executed, would be detrimental to the prevailing character and appearance of the area.
- 8.33 The dwellings are three storeys in height with the second floor being recessed and having a flat roof to reduce the bulk and visual impact. While the properties are large, the scale and bulk are considered to be appropriate for their setting.
- 8.34 With such a modern design, it is imperative that the detailing and the quality of the materials used in the construction are of a high standard. Poor detailing and/or materials would seriously compromise the aesthetic quality of the proposal and could have the potential to be visually detrimental to the street scene. As such, it is considered necessary and appropriate to condition the detailing and materials to be used to ensure that the development is well designed and makes a positive contribution to the street scene. The use of render and brickwork is considered appropriate in relation to the design concept of the dwellings. The application form states that the windows would be aluminium/timber and use composite doors. The composite doors, subject to further details secured via condition, would be acceptable. The application states that the proposed flat roof would be made from a lead effect uPVC. It is considered that the use of uPVC is unlikely to be visually acceptable and that a metalled roof would be of a visually higher quality and more appropriate to the proposed scheme. However, these details can be secured by condition to ensure that the development is of a high standard of design.
- 8.35 There would be sufficient distances between the new dwellings and the neighbouring dwellings to prevent the new properties appearing crammed-in. The new eastern most dwelling would be separated from the side elevation of 26 Carden Avenue by a minimum of 6.5 metres and over 17 metres to 16 Carden Avenue. The set back of the new dwellings of at least 17 metres is also in keeping with the properties on the southern side of Carden Avenue.
- 8.36 While the spacing between the detached dwelling and the two pairs of semi-detached dwellings is only 2.2 metres on either side, it would appear slightly cramped and contrived. However, this impact is somewhat ameliorated by the fact it is set further back than the pair of semi-detached properties and by the distance from the highway. Overall, this is not considered to warrant the refusal

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of planning permission and does not demonstrably outweigh the benefit of the additional unit of accommodation proposed.

- 8.37 The proposed narrow and deep dwelling footprints are not characteristic of the surrounding area, however, they do represent a contemporary design of a high standard and the proposal does maintain a sense of space in keeping with the character of the area.
- 8.38 To the front boundary of the dwellings, a 1.2 metre high wall is proposed. This would be in keeping with the prevailing character of the surrounding street scene, where front boundary treatments in general consist of low walls or picket fencing with hedging / planting behind. To ensure that this wall is erected and was in keeping, a condition is proposed to secure full details so to comply with policy QD1.
- 8.39 The front of the dwellings are set back from the highway, which pays respect to the front building line of the properties to either side. This allows for visual spacing and areas of planting between the highway and the dwellings.
- 8.40 Overall, it is considered that, whilst it is acknowledged that the proposal would somewhat alter the character of the site, the proposed dwellings, subject to conditions, would be of a contemporary and high standard of design, which would satisfactorily integrate into its surroundings.
- 8.41 The proposal is therefore considered to be in accordance to the design objectives set out in the NPPF and the Brighton & Hove Local Plan.

Standard of accommodation:

- 8.42 As detailed above, each dwelling proposed contains a living room, open plan kitchen/dining room, a W.C./shower room and a utility room at ground floor level, and five bedrooms/four bedrooms and a study and three bathrooms to the upper floors of the proposed buildings. To the front of the property eight parking spaces are proposed; it is not clear how these spaces would be allocated and which are proposed as disabled spaces. To the rear of each dwelling a small patio is proposed with steps up to the main gardens, which are sloping grassed areas. Cycle stores are proposed to the rear gardens to serve each dwelling.
- 8.43 The proposed internal layouts would provide an acceptable standard of accommodation. The proposed patio areas are rather small and rendered less usable by the single storey 'additions' proposed to the rear of each dwelling. However, this matter is not however considered to represent a concern, which warrants the refusal of planning permission.
- 8.44 In regard to accessibility, the proposed dwellings provide compliance with Lifetime Homes Standards, apart from not providing a 300mm clear space at the leading edge of the utility room door. However, the Council's Access officer has stated that this is not a concern with properties of this size and that if the need arose, a sliding door could be used. It is considered that a suitably worded planning condition should be attached to ensure the development is built in accordance with Lifetimes Homes Standards.

Neighbouring amenity:

- 8.45 The proposed development would change the nature of activity associated with the site; a day centre and a detached dwelling replaced with five dwellings would lead to increased comings and goings. Private vehicles owned by residents and visitors could be parked on the road. Neighbouring residents have raised concerns regarding on-street parking and the highway safety risks, which this can cause.
- 8.46 It is considered that the increased activity and parking which the proposed development could cause would not be likely to cause significant harm to neighbouring amenity. Such activity and parking is typical of a residential area, and whilst there may be some negative issues associated with on-street parking it does not appear that there is a particular problem in the locality which would warrant the refusal of the current application.
- 8.47 In regard to the built development, the proposed dwellings would be set away from neighbouring properties to the west and north, with a wooded area to the south of the application site. The neighbouring residents most affected would therefore be the neighbouring property to the east of the application site, no. 26 Carden Avenue. The nearest proposed property on the application site has been moved further away from the boundary than that proposed in the previously refused application.
- 8.48 The proposed eastern-most dwelling would be set alongside the boundary between the application site and no. 26 Carden Avenue, and would be set away from this boundary by between 4.4 metres at the front of the property and 5.5 metres at the rear. This compares to the 1 metre separation shown within the previously refused application. The dwelling represents an increase in bulk in this location and the rear of the proposed dwelling steps further back than the rear building line of no. 26. The proposed building would somewhat enclose the outlook from the ground and first floor side windows of no. 26, and whilst the ground floor windows are secondary, the first floor side windows are the only windows to a bedroom. The outlook from the sunroom and rear garden of no. 26 would also be affected.
- 8.49 However, while the proposal would increase the bulk compared to the existing built form and would change the nature of the relationship; this alteration is not considered harmful due to the separation distance. It is considered that the bulk of this eastern-most dwelling would not have a detrimental overbearing or enclosing impact upon the occupiers of no. 26 Carden Avenue. In addition, due to the distance from the boundary, the eastern most dwelling would not cause increased overshadowing of no. 26.
- 8.50 The proposal would also result in some benefits to the relationship as the proposed eastern most dwelling would not have bedroom windows looking toward no. 26 as the present property does. Therefore, the present levels of inter-overlooking would be removed as the only windows on the eastern side

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elevation above ground floor level serve a bathroom and en-suite. These could be conditioned to ensure they were obscurely glazed.

- 8.51 The proposal includes terraces to the front of all five properties. The plans have been amended and show 1.8m walls along the side flanks of each pair of semi-detached properties. The reason for this was to prevent overlooking from the terrace of the eastern most property into the side windows of no.26. While the wall does not extend the full depth of the terrace, it is considered that it would overcome any harmful impacts from overlooking.
- 8.52 While the terraces would look out toward the properties on the northern side of Carden Avenue, this would be across the public highway and it is considered that it would not result in a loss of privacy due to the distance of over 30 metres from the properties. To the west is a wooded area and path, which leads to Withdean Park and as such, would not result in a loss of privacy.

Transport:

- 8.53 The Transport Officer has commented on the proposed development and considers that proposed development would not cause significantly increased trip generation in comparison to the existing use of the site. Under current short term measures a financial contribution towards sustainable transport infrastructure would be sought in association with a development of the scale proposed.
- 8.54 The applicant has demonstrated that there is adequate visibility for both vehicles and pedestrians from this access. The applicant has also set back the gates to allow a vehicle to park clear of the highway while the gates open, which is acceptable to the Highway Authority.
- 8.55 The two existing vehicular access points would no longer be required as vehicular access will be focused on one new access onto Carden Avenue. Therefore, the Highway Authority has recommended that the existing crossovers are reinstated back to footway. The reinstatement of the footway will ensure the development will be in accordance with Policy TR8 (Pedestrian Routes) and TR7 (Safe Development) of the Brighton & Hove Local Plan, by providing short, safe and direct routes for walking. This can be secured by a suitably worded condition.
- 8.56 The proposed level of vehicular parking provision of 8 spaces is the maximum standard allowed within SPD04 for dwellings outside a CPZ. As such, the 5 parking spaces and 3 visitor spaces proposed is considered acceptable.
- 8.57 The proposed development may cause increased on-street parking in the vicinity of the application site. This is not however, considered to represent a concern, which warrants the refusal of planning permission.
- 8.58 The proposed cycle storage provision (stores to the rear gardens) is considered acceptable, however further details would be required, which could be secured via a planning condition.

Environmental Sustainability:

- 8.59 In regard to environmental sustainability, policy SU2 of the Brighton & Hove Local Plan requires that all developments make efficient use of energy, water and materials detailed guidance on how the objectives of policy SU2 can be met is set out in SPD08. In regard to Greenfield developments SPD08 sets out that new residential developments should meet a Code for Sustainable Homes rating of Level 5. As the proposed built development is sited partially on the footprints of the existing buildings and partially on garden land the development as a whole is part Greenfield. In such cases a flexible approach is required and a rating of Level 4 would usually be considered acceptable.
- 8.60 The Council's Sustainability officer has confirmed that Code Level 4 is acceptable in this instance. However, the route to achieving Code level 4 has not been robustly developed, no Code pre-assessment has been undertaken, and it has not been demonstrated that a high level 4 would be achieved. However, it would appear that the houses are capable of achieving Code level 4. It will be important that the Design stage certificate is submitted prior to commencement to ensure the applicant and contractors are fully aware of what must be undertaken to achieve Code level 4.
- 8.61 Based upon the information submitted, it is considered that it would be reasonable, to secure by planning condition that the proposed dwellings meet a Code for Sustainable Homes rating of Level 4 as a minimum.

Trees, landscaping and nature conservation:

- 8.62 The proposed development includes the retention of all trees within the application site and the protection of these trees and trees alongside the site boundaries during construction works. The Council's Arboriculturalist has no objection to the development subject to further details of tree protection measures and construction methods being secured by planning condition.
- 8.63 In regard to landscaping, significant areas of planting are proposed to the front and rear of the proposed dwellings. This landscaping is considered to be acceptable in principle, and a condition is proposed to secure the full details of a landscaping scheme to ensure compliance with policy QD15.
- 8.64 Policy QD17 and the guidance set out in SPD11 requires that development mitigate any harm to ecology it causes and that development include nature conservation enhancements. The proposed development would result in the loss of some planted areas, the majority of the built development proposed would be upon the footprint of existing building or existing areas of hard landscaping. Therefore it is considered unlikely that any harm caused to ecology would be of a magnitude which would warrant the refusal of planning permission.
- 8.65 It is considered in this case that the requirements of this policy and guidance could be appropriately addressed by securing details and implementation of appropriate nature conservation enhancements via a suitably worded planning condition.

9 CONCLUSION

9.1 The proposed redevelopment of the site would result in four additional houses, which are not considered to harm the street scene or character of the surrounding area. The development would not result in a detrimental impact on neighbouring amenity and is acceptable in regard to sustainability, highway safety and the standard of accommodation it would provide.

10 EQUALITIES

10.1 The proposed dwellings would achieve Lifetime Homes Standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	01 – 2		17.12.2013
Existing Site Plan	02 – 2		17.12.2013
Existing Street Scene	03 – 2		17.12.2013
Proposed Site Plan	04 – 2		17.12.2013
Proposed Semi-Detached House	05 – 2	A	04.03.2013
Proposed Detached House	06 – 2		17.12.2013
Proposed Street scene	07 – 2		17.12.2013
Street scene Elevations	08 – 2		17.12.2013

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows in the side elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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- Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 7) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Carden Avenue shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.
- 8) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 9) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 10) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 12) No development shall take place until full details and sample elevations and sections at 1:20 scale of the windows (including cills and reveals), external doors, parapets and roofing detail have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 13) No development shall take place until full details of the rainwater goods, soil and other waste pipes have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 14) The proposed screen walls and glazed screens to the front terraces of the semi-detached dwellings hereby approved, shall be erected prior to first occupation and shall be retained as such thereafter.
- Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 16) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 17) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method

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Statement has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include full details of the implementation, supervision and monitoring of the approved Tree Protection Scheme.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 18) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 19) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 21) No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 22) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to

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direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 23) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 24) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

11.1 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:- The proposed redevelopment of the site would result in four additional houses of distinctive design, which are not considered to harm the street scene or character of the surrounding area. The development would not result in a detrimental impact on neighbouring amenity and is acceptable in regard to sustainability, highway safety and the standard of accommodation it would provide.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).

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- 4 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
- 6 The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 7 The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
- 8 The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 9 The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House,

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Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).